

REMARKS

Reconsideration of the rejections of Claims 17-25 as being indefinite under 35 U.S.C. §112, second paragraph, is requested. Claim 17, line 1 has been amended to provide proper antecedent basis for the term objected to previously. As concerns Claims 19 and 23, the grammar is correct, the structure is recited and therefore 35 U.S.C. §112, sixth paragraph does not apply. Accordingly, reconsideration of this rejection is requested.

Reconsideration of the rejections of Claims 1-3, 5, 6, 19, 23 and 26 as being anticipated by Harris ('975) under 35 U.S.C. §102(b) is requested. Harris ('975) does not provide for a limited loss motion rotation of the handle relative to the closure with a subsequent reconnection of the drive. In Harris, pins 42 and 44 on the bottom surface of the cap drive lugs 78 and 80 which in turn cause the slanted teeth 68 to drive the housing 16 via the ramps 54. When a torque override condition occurs, the ring 18 deflect the resilient fingers 54 and allows for a ratcheting. This ratcheting continues as long as the cap is turned. Claim 1, line 18, provides for a "limited loss motion rotation of the handle relative to the closure once torque in excess of a predetermined amount is applied to the handle..." and (line 22) "a second drive receiver coupled to the closure and located to contact the driver when the first drive receiver is maintained in the driver disengage position and after limited lost-motion rotation of the handle relative the closure about the axis of rotation...to produce a torque limit signal..." as explained *supra* Harris ('975) does not provide for the second receiver and function. Accordingly, Claims 1-18 clearly distinguish over Harris ('975). Claim 19, line 4, provides for "limited loss motion movement of the handle relative the closure through a predetermined acute angle during rotation of the handle and a cap advancing direction". As indicated previously, there is no limited loss motion in the Harris ('975) disclosure. Further, at line 15, the claim calls for "a fixed drive receiver coupled to the closure and located to engage the driver upon movement of the moveable drive receiver to the driver-disengage position" which recitation finds no counterpart in Harris ('975) and hence, reconsideration of that rejection is requested. Claim 23, line 4, provides for "limited loss motion movement" similar to Claim 19 and further at line 12 calls for "a torque transmission member positioned to lie between the handle and the closure base", a feature as indicated not found in Harris ('975). Accordingly, Claim 23 clearly distinguishes over Harris ('975). Claim 26, line 6, references "means for temporarily interrupting a driving connection established between a handle and the closure to cause a handle to rotate through a predetermined acute angle..." and further references the limited loss motion signal two lines down and at the end of the

claim references "re-establishing the driving connection between the handle and the closure after the handle has been rotated through the predetermined acute angle...". Accordingly, as indicated, such features are not found in Harris ('975). In view of the above, reconsideration of this rejection is requested.

Reconsideration of the rejection of Claims 1-26 as being unpatentable over Harris ('975) in view of Harris et al. ('806) under 35 U.S.C. §103(a) is requested. Harris et al. ('806) was not proffered for, nor does it cure the inadequacies of Harris ('975) as explained supra. Hence, reconsideration of this rejection is requested.

Examiner Hylton is thanked for the courtesies extended during the recent interview wherein the above-remarks were discussed, including the rejections of Claims 1, 17, 23 and 26 as well as the indefinite rejections and the operation of the two Harris ('975 and '806) patents.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in any fees be charged, or overpayment in any fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (3177-38838).

Respectfully submitted,

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